IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3190 of 2006 (O&M)

DATE OF DECISION: 1.8.2006

Parkash Kaur

...Appellant

versus

Darshan Kaur and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.N.S.Sidhu, Advocate
for the appellant

UMA NATH SINGH, J.

In this FAO by the owner of the vehicle against an award dated 3.4.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Nawanshahr, in MACT Case No.35 of 2004, an amount of Rs.1,60,000/- has been granted to the claimants in a death case of a 5 years' old child.

The appellant is aggrieved by the recovery rights granted to the Insurance Company on the ground that the driver of vehicle in question, being mini bus, was holding a valid driving licence inasmuch as he had been issued a licence to drive Light Motor Vehicles. However, from a careful perusal of the award, we notice that the vehicle in question was engaged in commercial activities as it used to carry the students from the school. That apart, we do not notice that there was a Conductor to ensure the safety of the children being transported in the vehicle. Further, the vehicle in question was a transport vehicle and the licence issued in respect of LMV may not cover the driving of a transport vehicle. Besides, filing of

the appeal is barred by 2 days' delay, for which there is no plausible explanation.

Accordingly, this FAO No.3190 of 2006 is dismissed on the ground of delay as well as on merit.

(UMA NATH SINGH)
JUDGE

August 1, 2006 **(S.D.ANAND)**
pk **JUDGE**